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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,106	01/17/2002	Robin E. O'Brien	540-321	6167

7590

06/19/2003

NIXON & VANDERHYE P.C.  
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Arlington, VA 22201-4714

EXAMINER

GREGORY, BERNARR E

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CONFIDENTIAL

## Office Action Summary

Application No.

10/052,106

Applicant(s)

O'BRIEN, ROBIN E.

Examiner

Bernarr E. Gregory

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A ~~SHORTENED~~ STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**FOREIGN GOVERNMENT  
INFORMATION**

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

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- (U) 1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- (C) 2. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pizzi et al ('380).

(C) Pizzi et al ('380) shows the claimed method of claims 1-5 and 7 on pages 19 and 20 of that reference. Please note that Pizzi et al is an X reference for claims 1-7 on the UK search report for the corresponding British application.

- (C) 3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner-cited prior art herewith is of interest for relating to errors in ATM communications.

- (U) 4. The examiner in charge of this application is Bernarr Gregory, who may be reached at (703) 306-5765 (non-secure line).

  
Bernarr Gregory  
Primary Examiner  
Art Unit 3662

FORM CD-76 (modified 8-10-2000)		U.S. PATENT AND TRADEMARK OFFICE	
<b>CLASSIFIED MATERIAL RECEIPT</b>		<b>Receipt Number:</b> RR 131 533 96548	
		<b>Classification of Document:</b> Secrecy Order	
<b>Sent By: (Name, Unit, Address)</b> COMMISSIONER OF PATENTS P. O. Box 1450 Alexandria, VA 22313-1450			<b>Date of Document:</b> June 19, 2003
<b>Description of Document:</b> Rejection (SN 10/052,106 1 of 2 copies, 2 pages)			
<b>Date Transmitted</b>	<b>To: (Name and Address)</b>	<b>Received By: (Signature)</b>	<b>Date Received</b>
June 19, 2003	Nixon & Vanderhye P. C. 8th Floor 1100 North Glebe Road Arlington, VA 22201-4714		

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